

April 18, 1979

LB 172

ment to get those tax dollars and they are giving back services for those tax dollars. We should not confiscate this private investment. Recognize that in Nebraska in recent years, like 1973 to 1978, the investment in privately owned nursing homes is just zilch. There is no improvement in the nursing home industry in Nebraska and there won't be any as we pass this bill. It will even get worse than it is right now. I support this kill motion.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President, I call for the question.

SPEAKER MARVEL: The question has been called for. Are there five hands? Do we cease debate? All those in favor vote aye, opposed no. Record.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Motion is carried. Debate is ceased.

SENATOR CULLAN: Mr. President, members of the Legislature, there are many additional weaknesses in this particular bill as a result of the amendments and, Senator Chambers, I appreciated very much your compliments but the ones who should be complimented is Senator Wesely and Senator Schmit and Senator Hoagland who just did a good job in kicking me right square in the mouth but they did a good job and I have to compliment them for it. But I am very serious about this amendment or about this motion. I think the bill is a very bad one now and I think the bill is unconstitutional now. I would invite you to take the opportunity and review the Attorney General's opinion which we requested a very long time ago with respect to the role of the health systems agencies in the state government. As many of you know, health systems agencies are nothing more than private nonprofit corporations and they are not political subdivisions of the State of Nebraska. They are private, not for profit corporations. This bill delegates legislative authority and rule making authority to the health systems agency because of Senator Hoagland's amendment #21. If you are familiar with the operation and the formulation of the state health plan, those plans are developed by the health systems agency and under this bill those plans have the force of law. Now the Public Health and Welfare Committee of the Legislature refused to even introduce such a bill this year. We refused to even introduce that bill. Now here it is, something the Department of Health has always wanted, finding its way into the certificate of need bill.